

REMARKS

Claims 7-10, 14, 15, 19, 20, 24, 25, and 29 are presently pending.

112 Rejections

In the Supplemental Advisory Action, pages 2-3, the Examiner asserts that the adhesive retention and the preform defect finish percentage “appear[] to be directed to a desired result of the invention . . . rather than a structural limitation or physical property which can be claimed.” Applicants respectfully disagree.

On the contrary, adhesive retention and preform defect finish percentage are physical properties of the claimed film that can be objectively measured as defined in the claims. A particular film has a single adhesive retention value and a single preform defect finish percentage because each is an inherent property of the film and not merely a result to be achieved. As a film may be defined by physical properties, the adhesive retention and preform defect finish percentage properties should be given patentable weight in the claims.

103 Rejections

On page 3, the Examiner asserts that “Fukuda et al disclose a shrinkage of not more than 15 (%) in water at 85 degrees Celsius . . . Therefore, the shrinkage would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end use of the product.” Applicants respectfully disagree.

The shrinkage referred to in Fukuda of not more than 15% in water at 85°C is directed to shrinkage in an orthogonal direction, not in the main shrinkage direction, as recited in claim 7, for example. Indeed, in the main shrinkage direction, Fukuda teaches a shrinkage of at least 65% at 85°C, which is outside the range of “about 10% to about 40%” of the claimed film. Therefore, Fukuda does not teach or suggest the claimed film.

The Examiner asserts on pages 4-5 of the Supplemental Advisory Action that the claimed invention has not been rejected as being unpatentable over Fukuda alone, but over Fukuda in view of Shibuya. Previously, the Examiner combined the amount of shrinkage of Fukuda with the composition of Shibuya. Applicants respectfully traverse.

The films of Shibuya have very different compositions and inferior shrinkage properties compared those of Fukuda and compared to those of the claimed film. Shibuya uses PVDC, i.e., a vinylidene chloride resin, as an essential component of its films. Shibuya's films are therefore substantially different from those of Fukuda, which discloses polyester-only films. These substantially different compositions are a reflection of the different objectives that each type of film is trying to achieve. The object of Shibuya to improve cold resistance is different from that of the claimed invention to improve shrinkage properties. Therefore, there is no motivation to combine various components of these different Fukuda and Shibuya films in such a way as to arrive at the claimed film.

Moreover, simply looking at the Fukuda and Shibuya references, a skilled artisan would not have had a reasonable likelihood of successfully combining these films in a way that would result in a new film with properties of the original film, let alone a film with the superior shrinkage properties claimed. In the delicate art of making films, it would have been expected that some or all the original properties of a film could have been diminished as a result of mixing various components.

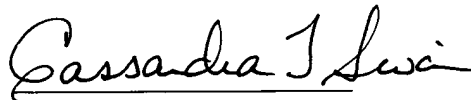
CONCLUSION

Applicants respectfully submit that the claims as presently written are allowable. An early and favorable action to that effect is respectfully requested.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter concerning this application. The Office is hereby authorized to charge any fees or credit any overpayment arising from this communication to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

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